

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
US COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1797

MICHAEL E. KUNZ
CLERK OF COURT

March 18, 2008

CLERK'S OFFICE
ROOM 2609
TELEPHONE
(215) 597-7704

United States District Court
Northern District of California
Richard W. Wieking, Clerk
450 Golden Gate Ave - P.O. Box 36060
San Francisco, CA 94102-3489

CV 08

1647 JSW

RE: *Bathon v. BCBG Max Azria*
C.A. No.: 07-cv-2276

Dear Clerk:

We herewith enclose certified copies of the Transfer Order and docket entries, in the above-captioned case which has been transferred to your District pursuant to Order filed on 2/14/2008.

You may utilize the Court's ECF Link <https://ecf.paed.uscourts.gov>. or the J-Net to retrieve the filed documents.

In the event that your are unable to obtain the pleadings, please contact me at (267) 299-7006.

Kindly acknowledge receipt on the copy of the letter provided.

Very truly yours,

MICHAEL E. KUNZ
Clerk of Court

By: Michele Helmer
Michele Helmer, Deputy Clerk

Received above material this _____ day of _____, 2008.

Signature: _____

CLOSED, SPECIAL

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:07-cv-02276-JF
Internal Use Only**

CV 08

1647

JSW

BATHON v. BCBG MAXAZRIA

Assigned to: HONORABLE JOHN P.
FULLAM

Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 06/05/2007

Date Terminated:
02/14/2008

Jury Demand: Plaintiff

Nature of Suit: 480

Consumer Credit

Jurisdiction: Federal
Question

Plaintiff

JENNIFER BATHON represented by **DAVID A. SEARLES**

*ON BEHALF OF
HERSELF AND ALL
OTHERS SIMILARLY
SITUATED*

DONOVAN SEARLES, LLC

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STE 1100

PHILA, PA 19103

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Email:

dsearles@donovansearles.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

JAMES A. FRANCIS

FRANCIS & MAILMAN, PC

LAND TITLE BLDG 19TH FL

100 S. BROAD ST

A TRUE COPY CERTIFIED TO FROM THE RECORD

DATED: 3-18-08

ATTEST: Michelle Delaney

DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

PHILADELPHIA, PA 19110
215-735-8600
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jfrancis@consumerlawfirm.com

ATTORNEY TO BE NOTICED

V.

Defendant

BCBG MAXAZRIA represented by **RAFIK MATTAR**
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Date Filed	#	Docket Text
06/05/2007	<u>1</u>	COMPLAINT against BCBG MAXAZRIA (Filing fee \$ 350 receipt number 939894.), filed by JENNIFER BATHON.(cw,) (Entered: 06/06/2007)
06/05/2007	<u>2</u>	Summons Issued as to BCBG MAXAZRIA. One Forwarded To: Counsel on 6/6/07 (cw,) (Entered: 06/06/2007)
06/05/2007	<u>3</u>	DEMAND for Trial by Jury by JENNIFER BATHON. (cw,) (Entered: 06/06/2007)
06/05/2007	<u>4</u>	(Court only) ***Set/Clear Flags Set Flag Special Case Management Track (cw,) (Entered: 06/06/2007)
06/06/2007	<u>5</u>	NOTICE of Appearance by JAMES A. FRANCIS on behalf of JENNIFER BATHON (FRANCIS, JAMES) (Entered: 06/06/2007)
06/08/2007	<u>6</u>	SUMMONS Returned Executed by JENNIFER BATHON re: Michelle Ulaschkin served Summons and Complaint upon BCBG

		MAXAZRIA by Hand Delivery. BCBG MAXAZRIA served on 6/7/2007, answer due 6/27/2007. (SEARLES, DAVID) (Entered: 06/08/2007)
06/14/2007	<u>4</u>	CERTIFICATE OF SERVICE by JENNIFER BATHON re <u>1</u> Complaint, Summons Issued (SEARLES, DAVID) (Entered: 06/14/2007)
06/21/2007	<u>5</u>	Amended Complaint against DEFENDANT BCBG MAXAZRIA filed by PLAINTIFF JENNIFER BATHON.(mbh,) (Entered: 06/21/2007)
06/21/2007	<u>6</u>	Summons Issued as to BCBG MAXAZRIA. Forwarded To: David A. Searles, Esquire on 6/21/2007 (mbh,) (Entered: 06/21/2007)
06/25/2007	<u>7</u>	(Court only) ***Attorney STEPHEN G. HARVEY for BCBG MAXAZRIA added. (mbh,) (Entered: 06/26/2007)
06/25/2007	<u>6</u>	STIPULATION AND ORDER THAT THE TIME WITHIN WHICH DEFENDANT MAY ANSWER, MOVE OR OTHERWISE PLEAD IN RESPONSE TO THE COMPLAINT SHALL BE EXTENDED FOR 30 DAYS, TO AND INCLUDING 7/20/2007. SIGNED BY JUDGE JOHN P. FULLAM ON 6/25/2007. 6/26/2007 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 06/26/2007)
07/23/2007	<u>7</u>	STIPULATION AND ORDER THAT THE TIME WITHIN WHICH DEFENDANT MAY ANSWER, MOVE OR OTHERWISE PLEAD IN RESPONSE TO THE COMPLAINT SHALL BE EXTENDED TO AND INCLUDING 8/2/2007.

		SIGNED BY JUDGE JOHN P. FULLAM ON 7/23/2007. 7/23/2007 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 07/23/2007)
07/31/2007	● <u>8</u>	Application of Scott Jason Ferrell, Esquire to Practice in this Court Pursuant to Local Rule of Civil Procedure 83.5.2(b) on behalf of DEFENDANT BCBG MAXAZRIA, Certificate of Service. (mbh,) (Entered: 07/31/2007)
07/31/2007	● <u>9</u>	Application of RAFIK MATTAR, ESQUIRE to Practice in this Court Pursuant to Local Rule of Civil Procedure 83.5.2(b) on behalf of DEFENDANT BCBG MAXAZRIA, Certificate of Service. (mbh,) (Entered: 07/31/2007)
08/01/2007	● <u>10</u>	ORDER THAT THE APPLICATION OF SCOTT JASON FERRELL, ESQUIRE TO PRACTICE IN THIS COURT PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 83.5.2(b) IS GRANTED. SIGNED BY JUDGE JOHN P. FULLAM ON 8/1/2007. 8/2/2007 ENTERED AND COPIES E-MAILED.(mbh,) (Entered: 08/02/2007)
08/01/2007	●	(Court only) *** Attorney SCOTT JASON FERRELL for BCBG MAXAZRIA added. (mbh,) (Entered: 08/02/2007)
08/01/2007	● <u>11</u>	ORDER THAT THE APPLICATION OF RAFIK MATTAR, ESQUIRE TO PRACTICE IN THIS COURT PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 83.5.2(b) IS GRANTED. SIGNED BY JUDGE JOHN P. FULLAM ON 8/1/2007. 8/2/2007 ENTERED AND COPIES MAILED AND E-MAILED.(mbh,) (Entered: 08/02/2007)

		08/02/2007)
08/01/2007	●	(Court only) *** Attorney RAFIK MATTAR for BCBG MAXAZRIA added. (mbh,) (Entered: 08/02/2007)
08/02/2007	● <u>12</u>	ANSWER to Amended Complaint by BCBG MAXAZRIA, Certificate of Service. (HARVEY, STEPHEN) Modified on 8/3/2007 (nd). (Entered: 08/02/2007)
08/02/2007	●	(Court only) ***Issue Joined (nd) (Entered: 08/03/2007)
08/17/2007	● <u>13</u>	MOTION for Extension of Time to File <i>Motion for Class Certification</i> filed by JENNIFER BATHON.Proposed Order, Memorandum of Law, Certificate of Service.(SEARLES, DAVID) (Entered: 08/17/2007)
08/21/2007	● <u>14</u>	MOTION to Appoint Counsel <i>as Interim Class Counsel Pursuant to Rule 23(g)(2)</i> filed by JENNIFER BATHON.Proposed Order, Memorandum of Law. (Attachments: # <u>1</u> Declaration of David A. Searles# <u>2</u> Declaration of James A. Francis# <u>3</u> Francis & Mailman Firm Biography# <u>4</u> Certificate of Service)(SEARLES, DAVID) (Entered: 08/21/2007)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JENNIFER BATHON
on behalf of herself and all others
similarly situated

Plaintiff,

Vs.

BCBG MAX AZRIA,

Defendant.

Civil Action No. 07-2276

FILED

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER RE DEFENDANT BCBG MAX AZRIA'S MOTION TO TRANSFER
VENUE OR, IN THE ALTERNATIVE STAY OR DISMISS

AND NOW, on this 14th day of FEBRUARY, 2008, having considered the arguments in support of and opposition to Defendant BCBG Max Azria's ("Defendant") motion to transfer venue of this putative nationwide class action pursuant to the first-filed rule and 28 U.S.C. § 1404(a) to the United States District Court for the Northern District of California where an earlier filed and related case is already pending or, in the alternative, to stay or dismiss the present action, it is hereby ORDERED as follows:

Defendant's motion to transfer venue of this action to the United States District Court for the Northern District of California is GRANTED. In light of the Court's order transferring this action, Defendant's alternative request for a stay or dismissal is moot.

Dated: Feb. 14, 2008

John P. Fullam
THE HONORABLE JOHN P. FULLAM
UNITED STATES DISTRICT JUDGE

2-14-08- FAXED BY
CHAMBERS TO:
D.A. SEARLES
S.G. HARVEY
J.A. FRANCIS

e-mail:

S. Ferrell
R. Mattar

TRUE COPY CERTIFIED TO FROM THE RECORD
DATED: 3-18-08
ATTEST: Michelle Chelover
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA